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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,646	03/17/2004	Tyler Foley Baker	002002	2645

29569 7590 07/16/2007  
FURR LAW FIRM  
2622 DEBOLT ROAD  
UTICA, OH 43080

EXAMINER
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FATEHI, PARHAM R

ART UNIT	PAPER NUMBER
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2194

MAIL DATE	DELIVERY MODE
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07/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/708,646	Applicant(s) BAKER, TYLER FOLEY	
	Examiner Parham (Paul) R. Fatehi	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 04/05/2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 11-16 are pending in this application.

***Claim Objections***

2. Claim 11 is objected to because of the following informalities: line 4 recites, "root note" and should be changed to "root node". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. As per claim 11, it is unclear what applicant meant by "branch nodes first make contact to said root node and binds itself to an input/output channel". Does the root node bind itself to an input/output channel or do the branch nodes bind themselves to an input/output channel? Applicant should particularly point out and distinctly claim the subject matter which applicant regards as the invention. For purposes of examination, Examiner has interpreted this to mean that the root node binds itself to an input/output channel.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rich et al (US 6,457,065) [hereafter Rich] in view of Straube et al (US 6,446,077) [hereafter Straube], and further in view of Masson et al (US 5,243,607) [hereafter Masson].

8. The references of Rich (US 6,457,065) and Straube (US 6,446,077) were cited in the prior Office Action.

9. As per claim 1, Rich teaches a distributed object messaging system (distributed object system, col. 2, ln. 45-67), a process of distributed object synchronization (col. 2, ln. 45-57), across network node tree (a nested transaction tree, col 10, ln 42-50, col 11, ln 35-40), root binds itself to an input/output channel (col 10, ln 1-17, root, col. 6, ln. 1-23, binds to input/output channel thru communications link), in which the root node (node\_1/top-level transaction fig. 4A) and the branch nodes (node\_1.1, node\_1.2, fig. 4A) act in combination as a centralized server (col 1, ln 27-37) with a network node tree

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(col 11, ln 35-40) where a root node computer (node\_1/top-level transaction fig. 4A) at the top of the network node tree (col. 11, ln.35-40 / Fig.4A) has a plurality of branch node computers (child 416, 417, col 11, ln 18-65 / Fig. 4A) maintaining a network connection to it at any given time (nodes might then be added throughout the transaction tree, col. 11, ln. 2-14), in which each branch node computer have one or more branch node computers maintaining a network connection to it at any given time (col 11, ln 18-65 / col. 6, ln 1-45), a set of distributable objects (distributed object system, col. 10, ln. 1-17) whose origination resides (a global repository, col. 10, ln. 1-17) on the root node computer (node\_1 401, col. 10, ln. 1-17), are cloned and transmitted across the network connection to descendant branch node computers (copy of object, col 10, ln 1-17 / server 402, client workstation 403, col. 10, ln 1-42 / Fig. 4A), with a security controller in said root node computer environment (the obtained version...ancestor node, col. 3, ln. 12-55), with said security controller creating a security controller clone (checking, col. 3, ln. 12-55 / method, col. 12, ln. 6-26), with said security controller clone creating an authentication interface in the connecting computer (main window, col 10, ln 42-67), with said authentication interface creating authentication data (customer's name or ID, col 10, ln 42-67 / registered, col 10, ln 17-25), with said authentication data is transmitted to the root node (col 12, ln 16-26), with said root node using the authentication data to authenticate the connecting computer (registered into the transaction, col 12, ln 16-26), where if validated the root node returns registration data to the branch node (the new version has been registered, col

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12, ln 16-26), and where a connection tree manager controls the placement of the connecting computer on the network node tree (col 10, ln. 42-67).

10. Rich does not explicitly disclose "where if a change is made to the distributable object on the root node computer, that change is redispached across the network connection to the distributable object." Whereas Straube, in an analogous art, teaches "where if a change is made to the distributable object on the root node computer, that change is redispached across the network connection to the distributable object (Straube, col. 1, ln. 20-67 & col. 6, ln. 59-67 & col. 7, ln. 1-6)." One of ordinary skill in the art, at the time the invention was made, would have modified the teachings of Rich in view of Straube to include the method of distributable object change on a root node in order to keep track of information that is stored in objects for synchronization purposes.

11. Rich as modified by Straube does not explicitly disclose a root node is created first. Whereas, Masson, in an analogous art teaches that a root node is first allocated in a tree (Masson, col. 10, ln. 15). Masson teaches that the use of his algorithms to construct tree structures increases fault-tolerance and error detection of computer systems. One of ordinary skill in the art, at the time the invention was made, would have modified the teachings of Rich and Straube in view of the method of root node allocation of Masson in order to increase fault tolerance and error-detection of the system.

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12. As per claim 12, Rich as modified by Straube and Masson teaches the invention substantially as claimed further also discloses said branch nodes and said root nodes may have leaf nodes where said leaf nodes treated like branch nodes by the system (Rich, work station 403, col 10, ln 1-42 / Fig. 4A / transactions are considered as having a parent, col. 15, ln 47-65).

13. As per claim 13, Rich as modified by Straube and Masson teaches the invention substantially as claimed and further discloses a new peer connecting to an already existing peer on the network can download the synchronized state of these data objects without having to get said data from the original host (Rich, col 3, ln 15-55 / col 10, ln 42-67).

14. As per claim 14, Rich as modified by Straube and Masson teaches the invention substantially as claimed and further discloses where a connection tree manager instructs all nodes where to connect in a network (Rich, the main window...distributed network, col 10, 42-67).

15. As per claim 15, Rich as modified by Straube and Masson teaches the invention substantially as claimed. Claim 15 is also rejected under the same reasons as claims 1 & 2.

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16. As per claim 16, Rich as modified by Straube and Masson teaches the invention substantially as claimed and further discloses a root server is created and said root server (col 10, ln 1-17) forms an I/O channel through a TCP/IP socket (Rich, col 6, ln 1-23 & col. 6, ln 1-45).

### ***Response to Arguments***

17. Applicant's arguments filed 04/05/2007 have been fully considered but they are not persuasive.

### ***Conclusion***

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Parham (Paul) R. Fatehi whose telephone number is 571-270-1407. The examiner can normally be reached on M-Th 7:30AM-5PM EST, off alternate Fridays.

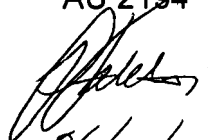
21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571)272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

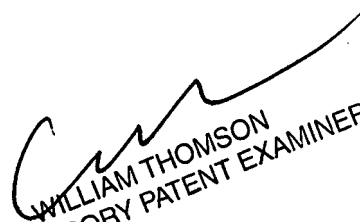
22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Paul Fatehi

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06/28/2007

  
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